

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

No. 2015-E0384

ESTATE OF THOMAS JOHN FRENCH, DECEASED
a/k/a THOMAS J. FRENCH, DECEASED

ANSWER AND NEW MATTER TO
PETITION FOR PROBATE OF A PHOTOCOPY OF ORIGINAL WILL

TO THE HONORABLE, THE JUDGES OF SAID DIVISION:

This matter would be comical bordering on farcical were it not tragic. Petitioner Claire Ann Risoldi-French has been indicted for and charged with fraud, forgery, and theft stemming from millions of dollars of insurance claims she submitted after a 2013 house fire. She asks this Court to accept for Probate a photocopy of a purported Will of her late husband, Thomas J. French ("Decedent"), alleging that the "original" of this Will was (conveniently enough) destroyed in the very fire for which she happens to be under indictment. The tragedy of this matter is that the fraud investigation and indictment following the fire led Decedent to take his own life.

In this pleading, Decedent's son, Thomas J. French, Jr. ("Respondent" or "French"), answers the plenary allegations of Ms. Risoldi's Petition for Probate of a Photocopy of a Will (the "Petition"). He then pleads as New Matter facts establishing that Petitioner, in addition to being an alleged thief, is a forger (albeit not a very good one) in cahoots with a confederacy of dunces. Accordingly, Respondent, by and through his undersigned counsel, answers the Petition as follows:

1. Admitted.
2. This Paragraph constitutes a conclusion of law to which no response is required.

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3. Admitted.

4. Admitted in part; denied in part. It is admitted that Petitioner and Decedent moved into a residence at 4940 Danielle Drive, Buckingham Township, Pennsylvania, after a fire damaged the house located at 5781 Stony Hill Road, Buckingham Township, Pennsylvania (the "Residence"). It is denied that Petitioner and Decedent moved into the Danielle Drive residence in October 2014. Rather, Petitioner and Decedent moved into the Danielle Drive residence in October 2013.

5. Admitted that on February 5, 2015 and as a result of Petitioner's activities, Decedent took his own life.

6. Admitted in part; denied in part. It is admitted only that Respondent Thomas J. French, Jr. and Petitioner are Decedent's only known and identifiable surviving intestate heirs. The allegation contained in Paragraph 6 of the Petition regarding Respondent's address is denied. Rather, Respondent resides at 1414 South Penn Square, Unit 7G, Philadelphia, Pennsylvania 19102.

7. Denied. It is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition.¹ To the contrary, the document attached to the Petition as a copy of a putative original Will is fraudulent and a forgery.

8. Denied. It is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition, and therefore all allegations regarding the alleged circumstances surrounding a putative execution of such

¹ Respondent is unable to identify the document to which this Paragraph refers by exhibit number because Petitioner neither segregated the exhibits to her Petition nor identified them by number.

purported Will are also denied. By way of further response, the document attached to the Petition as a copy of a putative original Will is fraudulent and a forgery.

9. Admitted. By way of further explanation, it is admitted that as part of Petitioner's fraud on this Court and on the Register of Wills, Karl Morris and Thomas Clinton have executed an Oath of Subscribing Witnesses, a copy of which is attached to the Petition.

10. The forged document bearing the title Last Will and Testament of September 12, 2013 which is attached to the Petition speaks for itself.

11. Admitted.

12. Admitted.

13. Denied. It is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition; as a result, any allegations regarding the location or handling of an alleged original Will are denied. After reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to where Decedent maintained important original documents, and Petitioner's allegation regarding the location of Decedent's important original documents is therefore denied.

14. Admitted in part; denied in part. It is admitted only that on or about October 22, 2013, a fire damaged the Residence. The remaining allegations of Paragraph 14 of the Petition are denied. Specifically, and after reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to the fire's origination, and that allegation is therefore denied. It is specifically denied that any purported Will executed by Decedent was located inside the Residence at the time of the fire, as it is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition.

15. After reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to the condition of any room inside the Residence after the October 22, 2013 fire, and therefore any such allegations are denied. It is denied that the photocopy of the purported Will dated September 12, 2013 that is attached to the Petition was located inside the residence at the time of the fire, as it is denied that Decedent ever executed an original of that document. To the contrary, the purported Will is fraudulent and a forgery.

16. After reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to what Petitioner believes, and therefore the allegations contained in Paragraph 16 of the Petition are denied. By way of further response, it is denied that an original of the purported Will dated September 12, 2013 that is attached to the Petition was located inside the Residence at the time of the fire, as it is denied that Decedent ever executed that document. To the contrary, the purported Will is fraudulent and a forgery.

17. Denied. It is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition, and therefore any allegations regarding the destruction or revocation of such document are denied. By way of further response, Respondent lacks knowledge and information sufficient to form a belief as to what Petitioner believes, and therefore the allegations in Paragraph 17 concerning Petitioner's state of mind are denied.

18. Admitted in part; denied in part. It is admitted only that for some period of time, Carlo Risoldi, Sheila Risoldi, and their two daughters resided in the Residence with Petitioner and Decedent. After reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to the remaining allegations of Paragraph 18 of the Petition, and those allegations are therefore denied.

19. Denied. It is denied that Decedent ever considered Carlo Risoldi a brother. After reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to whether Decedent and Carlo Risoldi ever became “very close friends,” and that allegation is therefore denied.

20. Denied. It is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition. To the contrary, the purported Will is fraudulent and a forgery. By way of further response and after reasonable investigation, Respondent lacks knowledge and information sufficient to form a belief as to the location of Decedent’s office or the disposition of any motor vehicle titles owned by Decedent, and therefore the corresponding allegations of Paragraph 20 of the Petition are denied.

21. Denied. It is denied that Carlo Risoldi “produced [a] copy of the will after Decedent passed away” because it is denied that Decedent ever executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition. To the contrary, the purported Will is fraudulent and a forgery.

22. Admitted in part; denied in part. It is admitted that Petitioner could not find an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to her Petition because no such original ever existed. It is denied that Petitioner and her family members engaged in a “diligent search” for the nonexistent original Will. To the contrary, the purported Will is fraudulent and a forgery.

23. Admitted in part; denied in part. It is admitted that in or around June 2015, counsel for Petitioner asked Respondent to sign a document agreeing to probate of a photocopy of a Will. The remaining allegations of Paragraph 23 of the Petition are denied. Rather, between April and June 2015, Respondent received 10 voicemails from Petitioner, nine voicemails from

Petitioner's counsel, and several text messages from Petitioner's son, Carlo Risoldi, urging Respondent to consent to probate of the alleged photocopied Will. Respondent declined to provide such consent because the purported Will is fraudulent and a forgery. After Respondent refused his consent, Petitioner and her attorney told Respondent that Decedent's estate is in debt and misrepresented that if Respondent did not consent to probate of the alleged photocopied will, he would inherit his father's debt.

24. Admitted in part; denied in part. Respondent incorporates by reference his response to Paragraph 23, above. By way of further response, Respondent has not disclaimed any rights under Pennsylvania's Probate, Estates and Fiduciary Code or any other applicable law or authority.

25. Admitted.

26. Denied. As stated above, it is denied that Decedent executed an original of the photocopy of the Last Will and Testament dated September 12, 2013 that is attached to the Petition. Rather, the purported Will is fraudulent and a forgery. It is further denied that appointment of Petitioner as executrix of Decedent's estate is either necessary or beneficial as a result of "pending legal proceedings related to Decedent." To the extent the allegations of Paragraph 26 of the Petition relate to the ongoing criminal proceedings against Petitioner and others docketed at Bucks County Criminal Action No. 2487-2015 (the "Criminal Case"), Decedent is deceased and therefore no longer subject to any criminal prosecution. The remainder of Paragraph 26 contains only conditional phrases and lacks actual factual assertions. To the extent that the remainder of Paragraph 26 of the Petition is deemed to contain factual assertions, those assertions are denied.

WHEREFORE, Respondent Thomas J. French, Jr. respectfully requests that this Honorable Court dismiss the Petition with Prejudice and direct the Register of Wills to comply with Pennsylvania's intestacy laws, 20 Pa.C.S. §2010 *et seq.*

NEW MATTER

27. Respondent incorporates Paragraphs 1 through 26 above as if set forth herein.

28. Respondent, Thomas J. French, Jr. ("French"), was born on May 31, 1980 to Decedent and his then-wife, [REDACTED]

29. Decedent and [REDACTED] divorced when French was two years old.

30. Between 1982 and 1995, French lived primarily with his mother. But, French spent every weekend and vacationed with his father. Decedent also coached French's little league team.

31. From 1995 to 1998, French lived with Decedent and Decedent's second wife in Yardley, Pennsylvania.

32. French left the Yardley home in 1998 to attend college. After leaving home, French spoke regularly with Decedent and visited him on holidays.

33. By 2006, Decedent was having an affair with Petitioner.

34. Unbeknownst to Decedent, Petitioner had been accused over several decades of filing numerous false insurance claims, including a 1990 conviction for mail fraud.

35. Decedent and his second wife divorced in 2007, and Decedent, unaware of Ms. Risoldi's fraudulent past, moved into the Residence with her and her extended family.

36. In October 2013, the Residence sustained its third fire in five years. Petitioner, as she had done in connection with the first two fires, submitted multiple claims to insurers who then paid out millions of dollars on those claims.

37. On October 16, 2013, Decedent married Petitioner.

38. Despite their status as husband and wife, the Residence remained titled in Petitioner and/or her son Carlo Risoldi's name. At no time did Decedent have or obtain any ownership interest in the Residence.

39. On January 22, 2015, Decedent, Petitioner, Petitioner's children, and several others were charged with insurance fraud and related crimes stemming from the October 2013 fire at the Residence. In particular, Petitioner has been charged with filing false insurance claims, forgery, tampering with records, witness intimidation, and related crimes stemming from allegedly fraudulent insurance claims she filed with an insurer after the 2013 fire.

40. On February 5, 2015, approximately two weeks after the criminal charges became public, French received an e-mail from Decedent discussing the criminal charges. Minutes after sending the e-mail, Decedent took his own life.

41. French has never had any knowledge of any will executed by his father. Indeed, throughout his life, Decedent told French that Decedent wanted French to have Decedent's coin and train collections and other assets upon Decedent's death.

42. The photocopy that Petitioner seeks to have admitted to probate as Decedent's Last Will and Testament is a forged document.

43. It is axiomatic that no person ever signs his or her name exactly the same way twice. To the contrary, every time a person signs their name, their signature in some way deviates from previous or other versions of their signature.

44. Despite this axiom, Decedent's signature on page 3 of the purported Will is exactly the same as Decedent's signature on page 4. For example, Decedent's signature on page 3 appears as:



THOMAS J. FRENCH

Meanwhile, that exact signature appears on page 4 as:



THOMAS J. FRENCH

45. Petitioner, by herself or with the help of others, cut or copied Decedent's signature from another document and pasted or "photoshopped" the cut or copied signature onto pages 3 and 4 of the proffered photocopy.

46. In addition, the purported will appears to bear the signatures of witnesses Karl Morris of Yardley, Pennsylvania and Thomas Clinton of Pipersville, Pennsylvania. Mr. Morris is a close friend of Petitioner's son Carlo Risoldi. Mr. Clinton is a painter who has been hired regularly by the Risoldi family.

47. The purported Will bears the signature and seal of notary public Pola Michaels of Philadelphia. In July 2004, a Pola Michaels of Philadelphia, Pennsylvania was sentenced by the Philadelphia Court of Common Pleas to serve four to 23 months' imprisonment for felony forgery.

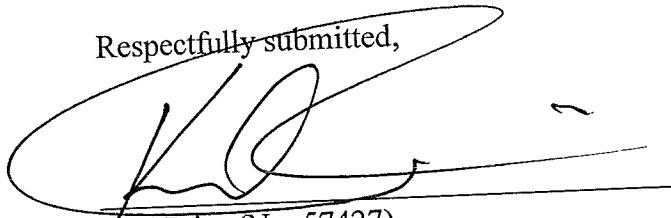
48. To summarize, the photocopy of an alleged Will:

- a. Is inconsistent with Decedent's statements to French as it makes no provisions for French;
- b. Purports to be witnessed by two persons who have longstanding economic and social ties to the Risoldi family;

- c. Is subscribed to by a notary who herself appears to be a convicted forger;
- d. Has been offered for probate by a person who is under indictment for, inter alia, forgery and fraud and who has a history of fraud; and
- e. Clearly (and impossibly) bears two signatures that are identical and photo-shopped or copied from another document.

WHEREFORE, Respondent Thomas J. French, Jr. respectfully requests that this Honorable Court dismiss the Petition with Prejudice and direct the Register of Wills to comply with Pennsylvania's intestacy laws, 20 Pa.C.S. §2010 *et seq.*

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Karl Prior', is written over a horizontal line. The signature is stylized with a large, looped 'K' and 'P'.

Karl Prior (No. 57427)
Mackenzie W. Smith (No. 306685)
Mannion Prior, LLP
840 First Avenue, Suite 100
King of Prussia, PA 19406
(610) 265-7800

Counsel for Respondent Thomas J. French, Jr.

Dated: August 28, 2015

Verification

I, Thomas J. French, Jr., verify that to the extent the facts set forth in the foregoing pleading are based upon my personal knowledge, they are true and correct, and to the extent based upon information provided by others, they are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, consisting of a large loop followed by a series of wavy lines.

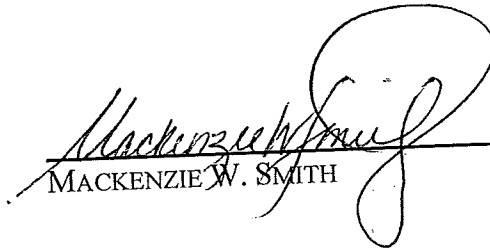
Thomas J. French, Jr.

Certificate of Service

I, Mackenzie W. Smith, certify that I served a true and correct copy of the foregoing Answer with New Matter on August 28, 2015, via First Class United States Mail upon the following:

Peter N. Harrison
107 East Court Street
P.O. Box 6
Doylestown, PA 18901
(215) 348-5322

*Attorney for Petitioner
Claire Ann Risoldi-French*


MACKENZIE W. SMITH

Dated: August 28, 2015

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

No. 2015-E0384

ESTATE OF THOMAS JOHN FRENCH, DECEASED
a/k/a THOMAS J. FRENCH, DECEASED

DECREE

AND NOW, this _____ day of _____, 2015, upon
consideration of the Petition by Claire Ann Risoldi-French for Probate of a Photocopy of
Original Will, the Answer and New Matter filed by Thomas J. French, Jr., and the Reply to New
Matter, if any, it is hereby **ORDERED** and **DECREED** that the Petition for Probate of a
Photocopy of Original Will is hereby **DENIED** with prejudice.

BY THE COURT:

J.